



## Carlisle Planning Board

### Rules and Regulations

for

### Application Procedures for Accessory Apartment Special Permits

January 26, 2009

#### Summary of Application Procedure

NOTE: It is advisable to have a preliminary, informal discussion of your proposal and plans with staff from the offices of the Planning Board, Building Commissioner, and, if you wish to create an affordable accessory apartment, the Carlisle Housing Authority, before beginning the formal application process.

Prepare the following documents:

- Plot plan of principal residence & proposed apartment with living areas of each indicated in square feet
- Exterior elevations of principal residence & proposed apartment showing entrances, and if a detached affordable accessory apartment, a plan showing the location of the structure as well as proposed elevations of such structure
- Floor plans of principal residence & proposed apartment

Certificate that the owner will occupy the premises (see the form in this packet)

Go to the following offices:

- Assessors Office: request a list of current abutters.
- Board of Health: request and obtain a letter regarding adequacy of sewage and drainage (See attached).
- Building Commissioner: request and obtain a letter of conformance to Building Codes.
- Town Clerk: bring -9- copies of completed application package.
- Carlisle Housing Authority: consult with this authority if the apartment is to be an affordable accessory apartment and obtain the Carlisle Housing letter attached hereto.
- Planning Board: file copies of the Application package certified by the Town Clerk as stated herein.

Please see the attached Checklist for the materials needed for your application.

## Filing, Hearing, and Decision Schedule

You should prepare nine (9) copies of the application package as follows:

1. file one (1) copy of the application with the Town Clerk; and
2. file eight (8) copies of the application **certified by the Town Clerk** with the Planning Board (together with the filing fee indicated on the application). You can do this by:
  - a. mailing it to the Planning Board, 66 Westford Street, Carlisle, MA 01741
  - b. delivering it to the Planning Board's mailbox in the Carlisle Town Hall; or
  - c. delivering it to the Planning Board office in the Carlisle Town Hall (second floor).
3. keep a certified copy for yourself.

The Planning Board must hear your application within sixty five (65) days of the date of filing a complete application.

The Planning Board will publish the Notice of Public Hearing in a local newspaper once in each of two (2) successive weeks, the first publication not less than fourteen (14) days before the day of the hearing. The Planning Board will also mail notices to you and to the abutters.

The Planning Board will file its decision on the application with the Town Clerk within ninety (90) days of the date of the **close** of the public hearing. (A hearing is not always finished the first night and can be continued to a later date.)

A period of twenty (20) days from the date of filing of the decision with the Town Clerk applies during which the decision may be appealed.

After the appeal period has expired, ask the Town Clerk if any notice of appeal has been filed with that office. If not, in order to make your Special Permit effective, you must file a certified copy of the decision with the Registry of Deeds in Lowell. **The Town Clerk will provide the proper document to you.**

You may file ("record") the decision in person at the Registry, or you may call the Registry for instructions on mailing the decision and fee for recording. Return a copy of the recorded permit to the Planning Board, 66 Westford Street, Carlisle, MA 01741. Note: you must still apply for a building permit to construct the permitted apartment. The Building Inspector may require a copy of the recorded permit with the recording information when you apply for a building permit.

**IF A SUBSTANTIAL USE OF THE APARTMENT SPECIAL PERMIT IS NOT MADE WITHIN ONE (1) YEAR OF THE DATE OF THE GRANTING, THE PERMIT SHALL LAPSE.**

Please note that this brief statement is intended only to assist you as a guide. You should refer to the Zoning Bylaws for more information regarding the requirements concerning these matters.

## Accessory Apartment

### 5.6.5 Procedure

The Planning Board shall notify the Board of Health and, if an affordable accessory apartment (AAA), the Carlisle Housing Authority, of the application for a special permit hereunder and allow them a reasonable time to inspect and comment upon said application. The Planning Board may grant a special permit under this Section upon finding that the request is compatible with the purpose of this Section and meets the minimum requirements hereunder.

After notice and public hearing as required by the General Laws of the Commonwealth, the Planning Board may grant such a special permit for the creation of an apartment provided that:

Findings	Carlisle Zoning Bylaw section	Source of Information
No more than 75 special permits for accessory apartments may be issued and outstanding at any time;	5.6.5.1	Planning Board Records
The apartment is accessory to the principal residence and will be a complete, separate housekeeping unit that functions as a separate unit from the original single-family dwelling. If the apartment is a AAA unit and is placed in a detached structure, the structure must be appropriate to the single family character of the neighborhood and comply with other provisions of the zoning by-laws;	5.6.5.2	Floor Plan of dwelling and, if any new construction is to be done, the plan to be submitted for Building Permit
The living area of the apartment does not exceed 1,200 square feet;	5.6.5.3	Floor Plan
The finished living area of the apartment is less than 35% of the combined finished living area of the principal residence and the proposed apartment, as measured after conversion, except that for AAA units, the floor area is less than 50% of the floor area of the single family structure or non-residential structure and the proposed apartment combined;	5.6.5.4	Floor Plan
Either the apartment or the principal residence is occupied by the owner(s) of the lot on which the apartment is to be located, except for bona fide temporary absences, and except that for AAA units, the owner must occupy the principal residence. If the lot on which the apartment is to be located is owned by the Town of Carlisle or used for non-residential purposes, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot	5.6.5.5	Certificate of Occupancy is signed by the Owner, and Ownership is Certified by Assessors or subsequent deed

and the structures thereon continue to be owned by the Town of Carlisle or used for non-residential purposes;		
Adequate provision has been made for the disposal of sewage, waste, and drainage generated by the occupancy of such apartment in accordance with the requirements of the Commonwealth or the Carlisle Board of Health, whichever is applicable;	5.6.5.6	Board of Health letter
In consideration of the neighborhood and the existing access to the street of the single family dwelling, adequate provision has been made for ingress and egress to the apartment from said street;	5.6.5.7	Site Plan (possible sources: Septic Plan, Plot Plan, Assessors Plan)
The construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property;	5.6.5.8	Planning Board findings
The lot on which the apartment and principal residence are located contains at least two (2) acres;	5.6.5.9	Plot Plan
No more than two bedrooms are allowed for lots less than three (3) acres in area;	5.6.5.10	Plot Plan & Floor Plan
Adequate provision has been made for off-street parking of motor vehicles in such a fashion as is consistent with the character of a single-family residence;	5.6.5.11	Plot Plan
There is no other apartment on the lot on which the apartment is to be located;	5.6.5.12	Planning Board Records
The external appearance of said house before or after the creation of the apartment is that of a single-family residence. In general, any new entrances shall be located on the side or rear of the building. Any new additions or structures associated with an AAA unit may be permitted provided they are appropriate to the character of the principal structure; and	5.6.5.13	Exterior Elevations
The construction of any accessory apartment must be in conformity with the State Building Code requirements.	5.6.5.14	Building Commissioner's Letter

The following provisions shall be signed and recorded with the Middlesex North Registry of Deeds by the owner of an AAA unit:	5.6.9	
The Agreement is for a minimum of 15 years;	5.6.9.1	Deed Restrictions/Regulatory Agreement for AAA units
The Agreement will terminate upon sale of the property;	5.6.9.2	Same as above
An owner may terminate the Agreement prior to its expiration, which will revoke the special permit. Thereupon, the apartment must be removed unless the owner applies for and receives a new special permit;	5.6.9.3	Same as above
Upon termination of this Agreement, additional restrictions shall apply regarding repayment to the Town of any funds received from the Town pursuant to a grant or loan agreement;	5.6.9.4	Same as above
An owner must rent to income-qualified tenants selected through an open process to be defined by the Local Initiative Program (760 CMR 45.03) guidelines;	5.6.9.5	Same as above
An owner must set the rent according to the methodology prescribed in the Local Initiative Program guidelines.	5.6.9.6	Same as above
		See also any regulations promulgated by the Carlisle Housing Authority relating to AAA units

**Carlisle Planning Board**  
**66 Westford Street, Carlisle, MA 01741**  
**Phone: 978-369-9702 Fax: 978-369-4521**

**Application for Special Permit**

(Adopted 3/5/90, revised 7/8/91, 3/27/95, 1/26/98 and 1/26/09)

Applicant's name, address and telephone number: \_\_\_\_\_

Applicant is: Owner \_\_\_\_\_ Agent \_\_\_\_\_ Purchaser \_\_\_\_\_ Tenant \_\_\_\_\_

If applicant not the owner, the owner's name, address and telephone number: \_\_\_\_\_

Location of property \_\_\_\_\_ Total area \_\_\_\_\_ Total Frontage \_\_\_\_\_

Assessor's Map: Sheet(s) # \_\_\_\_\_ Lot(s) # \_\_\_\_\_

Recorded at North Middlesex Registry of Deeds in Book # \_\_\_\_\_ and Page # \_\_\_\_\_

**Application is for a special permit for:**

**Fee:**

_____ Common Driveway, new	\$750
_____ Common Driveway, amendment	\$500
_____ Common Driveway, extension of time	\$200
_____ Accessory Apartment, new, amendment	\$250
_____ Accessory Apartment, extension of time	\$200
_____ Affordable Accessory Apartment (AAA)	\$250
_____ AAA extension of time	\$200
_____ Conservation Cluster, new	\$750 plus \$100/lot
_____ Conservation Cluster, amendment	\$300
_____ Conservation Cluster, extension of time	\$200
_____ Wetland/Flood Hazard, Underlying District, new, amendment	\$250
_____ Wetland/Flood Hazard, extension of time	\$200

Note: The application form for the Senior Residential Open Space Community special permit is found in the SROSC rules and regulations.

Note: Consult with the Carlisle Housing Authority if the Application concerns an affordable accessory apartment. Filing fees for Affordable Accessory Apartments are refundable when the permit is granted.

Signature of applicant \_\_\_\_\_ Date \_\_\_\_\_

Signature of owner \_\_\_\_\_ Date \_\_\_\_\_

Signature of Town Clerk \_\_\_\_\_ Date \_\_\_\_\_

Received from \_\_\_\_\_ a copy of this form with the Town Clerk's

signature, dated, with application fee of \$ \_\_\_\_\_ on (date) \_\_\_\_\_.

Planning Board Signature \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**If special permit is granted, please return a copy of the recorded decision to the above address within 60 days.**

**Certificate that the Owner Will Occupy the Premises**

**(Not required if the owner of the lot on which the apartment is to be located is the Town of Carlisle or the principal use of the lot is non-residential)**

To the Carlisle Planning Board:

The undersigned, owner(s) of the lot designated

Map \_\_\_\_\_ Parcel \_\_\_\_\_

on the Town of Carlisle Property maps located at

(address) \_\_\_\_\_

And applicant(s) for a Special Permit for an accessory apartment under Section 5.6 of the Carlisle Zoning Bylaws hereby certify that I/we will occupy the

\_\_\_\_\_ principal residence \_\_\_\_\_ accessory apartment (not available to owners of affordable accessory apartments)

I/We understand that any Special Permit granted pursuant to our application will be valid only if either the principal residence or the apartment is occupied by the owner(s) of the lot on which the apartment is located, except for bona fide temporary absences.

I/We understand that any Special Permit granted pursuant to my/our application shall terminate upon the sale of the property or transfer of the title of the building; provided, however, that a sale or transfer of title shall not dispossess the then residents of the apartment of their tenancy.

I/We agree to notify the Planning Board, and the Housing Authority if the apartment is qualified as affordable, if and when we sell the property or transfer title of the building.

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

## Parties in Interest List

For Premises: \_\_\_\_\_

Recorded in Middlesex North District Registry of Deeds in Book \_\_\_\_\_ Page \_\_\_\_\_

Owned by: \_\_\_\_\_

as appears in our records.

We certify that the above and attached lists, taken from our Real Estate Property Lists, include the names and addresses of all parties in interest under Massachusetts General Law (M.G.L.) Chapter 40A, as amended, to the best of our knowledge and belief.

Carlisle Assessors Clerk \_\_\_\_\_ Date \_\_\_\_\_



## Board of Health Letter

To the Carlisle Planning Board:

At a Board of Health meeting, we have reviewed the plans for an accessory apartment at:

(address) \_\_\_\_\_

submitted by (applicant) \_\_\_\_\_

and have determined that they fulfill the requirements of Section 5.6.5.6 of the Carlisle Zoning Bylaw that

adequate provision has been made for the disposal of sewage, waste, and drainage generated by the occupancy of the proposed accessory apartment in accordance with the requirements of the Commonwealth of Massachusetts or the Carlisle Board of Health as applicable.

I/We have signed and dated all the plans which I/we have reviewed.

For the Carlisle Board of Health

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Note: Consult with the Planning Board before applying to the Board of Health for this letter.

## Building Commissioner Letter

To the Carlisle Planning Board:

I/We have reviewed the plans for an accessory apartment at

(address) \_\_\_\_\_

submitted by (applicant) \_\_\_\_\_

and have determined that they fulfill the requirements of Section 5.6.5.14 of the Carlisle Zoning Bylaw that

the construction of the proposed apartment is in conformity with the State Building Code requirements.

I/We have signed and dated all the plans which I/we have reviewed.

\_\_\_\_\_  
Carlisle Building Commissioner

Date \_\_\_\_\_

## Carlisle Housing Authority Letter

To the Carlisle Planning Board:

I/We have reviewed the plans and documents for an accessory apartment at

(address) \_\_\_\_\_

submitted by (applicant) \_\_\_\_\_

and have determined that they fulfill the requirements of Section 5.6.9 of the Carlisle Zoning Bylaw that a Deed Restriction/Regulatory Agreement ("Agreement") with the following provisions has been signed and will be recorded with the Middlesex North Registry of Deeds by the owner of the AAA unit:

The Agreement is for a minimum of 15 years,

The Agreement will terminate upon sale of the property,

The owner may terminate the Agreement prior to its expiration, which will revoke the special permit. Thereupon, the apartment must be removed unless the owner applies for and receives a new special permit,

Upon termination of this Agreement, additional restrictions shall apply regarding repayment to the Town of any funds received from the Town pursuant to a grant or loan agreement,

The owner must rent to income-qualified tenants selected through an affirmative fair marketing plan to be defined by the Local Initiative Program (760 CMR 56.00 et seq.) guidelines,

The owner must set the rent according to the methodology prescribed in the Local Initiative Program guidelines

The tenant must be notified at least 60 days prior to the annual expiration of the apartment lease.

I/We have signed and dated all the plans and documents which I/we have reviewed.

\_\_\_\_\_  
Carlisle Housing Authority

Date \_\_\_\_\_

**Town of Carlisle  
Massachusetts  
to  
Planning Board**

**Application for Hearing**

Date \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address \_\_\_\_\_

Nature of Special Permit Accessory Apartment Affordable Accessory Apartment

Property for which Special Permit is sought \_\_\_\_\_

Location \_\_\_\_\_

Owner or Owners of Record \_\_\_\_\_

Address \_\_\_\_\_

Recorded at Registry of \_\_\_\_\_

Book # \_\_\_\_\_ Parcel # \_\_\_\_\_ Page # \_\_\_\_\_

Applicable section of Zoning Bylaw 5.6

I hereby request a hearing before the Planning Board with reference to the above-noted application.

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Title \_\_\_\_\_

Received from above applicant, the sum of \$\_\_\_\_\_ to apply against advertising and mailing costs.\*\*

\*\*Cost to be determined by the Planning Administrator; fee waived for applications for Affordable  
Accessory Apartments

\_\_\_\_\_  
Planning Administrator

**Town of Carlisle**

**Planning Board**

**Legal Notice of Public Hearing**

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9, the Carlisle Planning Board will hold a public hearing on (date) \_\_\_\_\_ at \_\_\_\_\_ p.m. at the Carlisle Town Hall, 66 Westford Street, Carlisle, MA on the petition of

\_\_\_\_\_ for approval of a(n) \_\_\_\_\_ Special Permit under Section \_\_\_\_\_ of the Carlisle Zoning Bylaw for the parcel located at \_\_\_\_\_ and shown on Town Atlas Map \_\_\_\_\_, parcel(s) \_\_\_\_\_.

Plans may be reviewed at the Town Clerk's office, 66 Westford St., Carlisle, MA, from 9:00 a.m. to 3:00 p.m., Monday through Friday.

## **Checklist with corresponding Zoning Bylaw**

The Applicant supplies the following:

1. Plot plan of principal residence and apartment, which includes:
  - a. Statement of total living area of principal residence
  - b. Statement of total living area of proposed accessory apartment (5.6.5.3, 5.6.5.4, 5.6.5.7, 5.6.5.9-11)
2. Exterior elevations of principal residence with proposed accessory apartment (5.6.5.13)
3. Floor Plan of principal residence and proposed accessory apartment (5.6.5.2, 5.6.5.10)

The following forms (contained in this application packet) must be filled in and submitted with the application:

1. Application with fee (See the Application Form)
2. Certificate that the owner will occupy the premises signed by the owner(s) as appear(s) in assessors records or subsequent deed (5.6.5.5)
3. Parties in Interest list
4. Board of Health letter concerning adequacy of sewage, waste, and drainage generated by occupancy of the apartment (5.6.5.6)
5. Building Commissioner's letter (5.6.5.14)
6. Housing Authority Letter (5.6.9) -- FOR APPLICATIONS FOR AFFORDABLE ACCESSORY APARTMENTS ONLY

Please Note: you may apply to the Assessors Office, Board of Health, Building Commissioner and Housing Authority, if applicable, in any order or simultaneously. After the application is complete, you must then present it to the Town Clerk for her receipt. Then deliver the completed receipted package to the Planning Board with the application fee.